IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

Bail Appl..No. 7026 of 2007(H)

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CMP.6141/2007 of J.M.F.C.-I,PATHANAMTHITTA
CRIME NO.806/07 OF PATHANAMTHITTA POLICE STATION

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PETITIONER : ACCUSED:

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HARICHANDRAN NAIR, AGED 60 YEARS,
S/O.NARAYANA KURUP, HARICHANDRA BHAVANAM,
VALLICODE VILLAGE, KOZENCHERRY TALUK,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.V.SETHUNATH

RESPONDENTS: COMPLAINANT/STATE:

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1. THE SUB INSPECTOR, PATHANAMTHITTA
POLICE STATION.

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

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**B.A.No.7026 of 2007**

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**Dated this the 19th day of November, 2007**

**ORDER**

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. He was allegedly found to be in possession of 10 litres of arrack on 01.11.2007. He was arrested and continues in custody from that date. The learned Public Prosecutor submits that the petitioner has no history of any criminal antecedents.

2. The learned counsel for the petitioner submits that the allegation is absolutely false. He had a civil dispute with the neighbour. He did not heed to the request of the Sub Inspector of Police to settle the matter as dictated by him. Merely on account of such animosity, this false proceedings has been initiated against the petitioner, it is submitted.

3. The learned Public Prosecutor denies the allegations raised, but submits that the State has no objection in regular bail being granted to the petitioner, who has remained in custody from 1.11.07 subject to appropriate terms and conditions. I am satisfied that the petitioner can now be directed to be released on bail subject to appropriate terms and conditions.

4. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall not be released on the strength of this order prior to 22.11.2007. The Investigators shall in the meantime make every endeavour to complete the investigation;

ii) The petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

iii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months from the date of his release and thereafter as and when directed by the Investigating Officer in writing to do so.

**(R.BASANT, JUDGE)**

rtr/-